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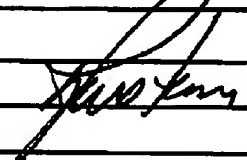
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/314,314
	Filing Date	12/11/2001
	First Named Inventor	Loewenstein
	Art Unit	3713
	Examiner Name	Rada/ Thal (SPE)
	Attorney Docket Number	Diamond Poker
Total Number of Pages in This Submission		

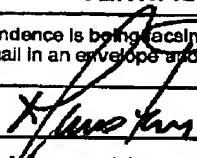
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<b>Remarks</b> Letter to SPE Thal		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	David A. Loewenstein		
Signature			
Printed name	David A. Loewenstein		
Date		Reg. No.	35,591

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Typed or printed name	David A. Loewenstein	Date	1/16/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Loewenstein  
Serial No. : 10/015,314  
Filed : 12/11/01  
Title : POKER GAME  
Examiner : Rada  
Art Unit : 3713

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LETTER TO SUPERVISORY EXAMINER XUAN M. THAI

As we discussed on the telephone, I am resending, now for the third time, a copy of my Appeal Brief together with proof that it was originally filed on September 6, 2005.

In addition I am resending a copy of the fax I sent on November 17 which included the proof that the brief had been filed on September 6 together with a copy of the Appeal Brief. I am attaching the confirmation copies of the fax proving the fax was received. For some reason the last page of the fax did not go through on November 16, so I sent it separately. The confirmation page for that one page is also attached. Apparently this fax was lost by the PTO

Attached to this letter are the following:

(1) a copy of the postcard that bears a received stamped by the OIPE on September 6, 2005 (there is a typographical error on the date mailed);

(2) a two page printout of the United States Postal Service web site that indicates that air bill number ER84 5145 435US was accepted in New York on

Serial No. 10/015,314  
Art Unit: 3714

1

Examiner: Rada/SPE Thai  
VIA FAX 571-273-8300

September 6, 2005 at 5:59 PM and received at the Patent Office at 8:37 AM September 7, 2005. It was signed for by S DYAR. The air bill number corresponds to the Express Mail number in the footer of the Appeal Brief, a copy of which is attached; and

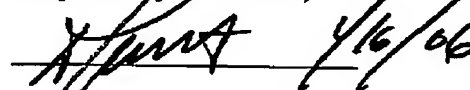
(3) A print out from Citibank's web site of canceled check number 581 for \$250 that has in the "memo" field "Appeal 314 Appln" this corresponds to the pending application number 10/015,314. The check was cashed by the Patent Office on September 8, 2005. The amount corresponds to the fee for submitting an appeal brief. I has crossed out my checking account number for security reasons.

There can be no question whatsoever that the three appeal briefs, the check and the postcard were mailed via Express Mail on September 6, 2005 and were received the following day on September 7, 2005 at the Patent Office. Because they were mailed via Express Mail the filing date is the date mailed (i.e., September 6<sup>th</sup>). See 37 CFR § 1.10 (a)(1).

I would appreciate a call letting me know that this has been done. My work number is 212-632-3572.

Thank you in advance for your attention.

Respectfully submitted,



David A. Loewenstein  
Reg. No. 35, 591

802 King Street  
Rye Brook, NY 10573  
(914) 937-4119

Serial No. 10/015,314  
Art Unit: 3714

2

Examiner: Rada/SPE Thai  
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	Filing Date	12/11/2001
	First Named Inventor	Loewenstein
	Art Unit	3713
	Examiner Name	Rada/ Thal (SPE)
	Attorney Docket Number	Diamond Poker
Total Number of Pages in This Submission		

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Signature	<i>[Signature]</i>	
Printed name	David A. Loewenstein	
Date	11/17/05	Reg. No. 35,591

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Typed or printed name	David A. Loewenstein	Date 11/17/05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Loewenstein  
Serial No. : 10/015,314  
Filed : 12/11/01  
Title : POKER GAME  
Examiner : Rada  
Art Unit : 3713

---

LETTER TO SUPERVISORY EXAMINER XUAN M. THAI

As we discussed on the telephone today, Applicant (I) sent to the Patent Office on September 6, 2005 via Express Mail: (1) three copies of an Appeal Brief; (2) a check for \$250 for the associated fee; (3) a self addressed post card and (4) a transmittal form.

Attached to this letter are the following:

(1) a copy of the postcard that bears a received stamped by the OIPE on September 6, 2005 (there is a typographical error on the date mailed);

(2) a two page printout of the United States Postal Service web site that indicates that air bill number ER84 5145 435US was accepted in New York on September 6, 2005 at 5:59 PM and received at the Patent Office at 8:37 AM September 7, 2005. It was signed for by S DYAR. I cannot account for the discrepancy between the PTO's September 6 date stamp on the postcard and the Post Office's received date of September 7, but my assumption is because the package was received at 8:37 AM the

Serial No. 10/015,314  
Art Unit: 3714

1

Examiner: Rada/SPE Thai  
VIA FAX 571-273-8300

person who stamped it forgot to advance the date. The air bill number corresponds to the Express Mail number in the footer of the Appeal Brief, a copy of which is attached; and

(3) A print out from Citibank's web site of canceled check number 581 for \$250 that has in the "memo" field "Appeal 314 Appln" this corresponds to the pending application number 10/015,314. The check was cashed by the Patent Office on September 8, 2005. The amount corresponds to the fee for submitting an appeal brief.

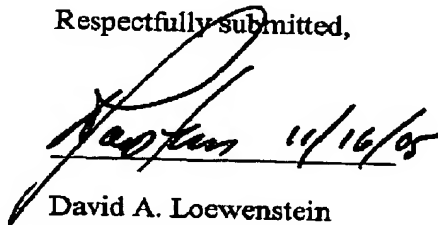
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I am attaching a copy of the brief that was filed on that date. Please enter it into the system.

I would appreciate a call letting me know that this has been done. My work number is 212-632-3572.

Thank you in advance for your attention.

Respectfully submitted,



David A. Loewenstein  
Reg. No. 35, 591  
802 King Street  
Rye Brook, NY 10573  
(914) 937-4119

Serial No. 10/015,314  
Art Unit: 3714

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Examiner: Rada/SPE Thai  
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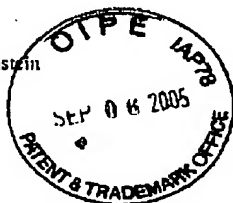
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p.7

Serial No.: 10/015,314  
Filing Date: 12/11/2001  
Inventor: Loewenstein  
Art Unit: 3714  
Date Mailed: 7/1/2005  
Title: Poker Game



To the individual receiving this correspondence, please check the contents enclosed and verify that the following items were enclosed by date stamping and placing this postcard in the out-going mail. Thank you.

- Three Copies of Appellant's Appeal Brief
- Transmittal Form
- Check for \$250



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- Arrival at Unit, September 07, 2005, 8:04 am, DULLES, VA 20102
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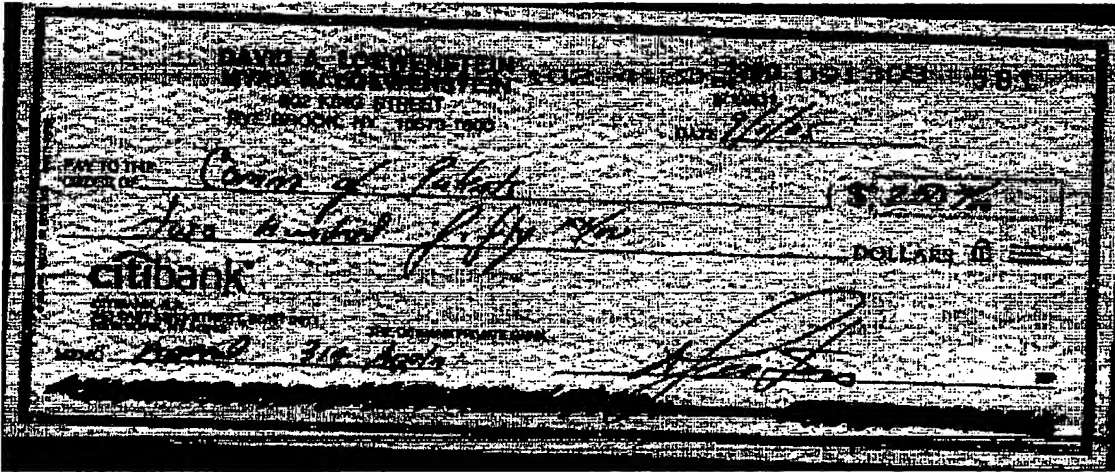
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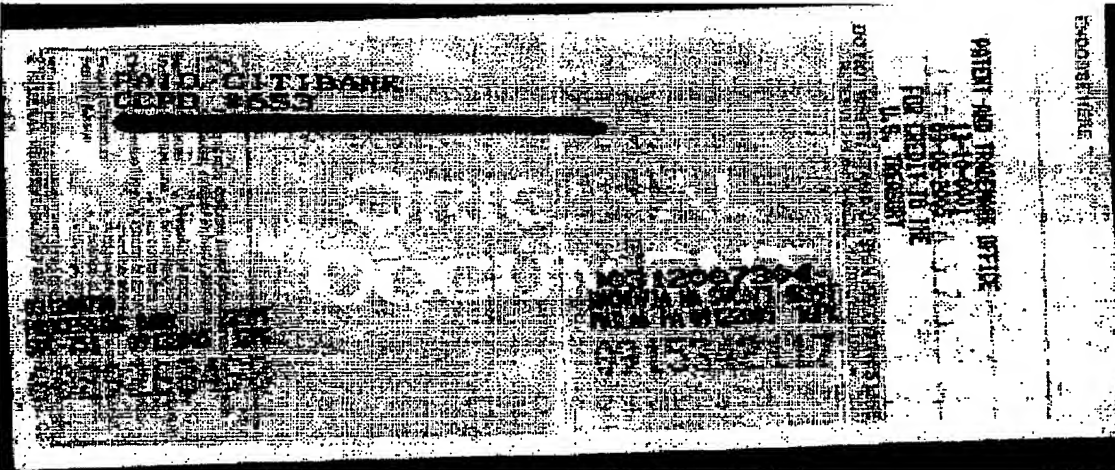
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**TRANSMITTAL FORM**

(To be completed by correspondence after initial reply)

Application Number 10794,374	Filing Date 09/12/01	First Named Inventor Lorenzetti
Art Unit 2713	Examiner Name (Last/First/Initial)	Attorney/Agent Name (Last/First/Initial)
Total Number of Pages in This Submission	Attorney/Agent Number	Examiner Phone

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Print Name	David A. Lorenzetti
Signature	<i>[Signature]</i>
Printed name	David A. Lorenzetti
Date	11/17/05
App. No.	35,691

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914-937-3338

p.51

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NOV-17-2005 13:48		PIERRE COHEN ZEDER		1 212 632 3489 P. 01	
<b>TRANSMITTAL FORM</b>		Application Number: 914-937-3338			
Filing Date: 10/1/2005		First Named Inventor: LOEWENSTEIN			
All List: 1/1/2005		Examiner Name: Roderick (CPS)			
Adoption Check Number: 01/01/2005		Classified Patent			
Total Number of Pages in This Submission: 47					
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TRANSMITTAL FORM	
Application Number	10/314,314
Filing Date	12/14/2001
First Named Inventor	Loewenstein
Art Unit	3713
Examiner Name	Rader Thal (SPE)
Attorney Docket Number	Diamond Polar

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<input type="checkbox"/> Affidavit/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
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TRANSMITTAL FORM	
Application Number	10214,314
Filing Date	12/11/2001
First Named Inventor	Loewenstein
Art Unit	0713
Examiner Name	Roder Thal (SPE)
Attorney Docket Number	Diamond Poker

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